

## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 4, 2007. At the time of the Office Action, Claims 1-20 were pending in this Application. Claims 1-20 were rejected. Claims 1, 8, and 15 have been amended to further define various features of Applicant's invention. Applicant respectfully requests reconsideration and favorable action in this case.

### **Rejections under 35 U.S.C. § 102**

Claims 1, 4-6, 8 and 11-13 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,399,941 issued to Michael G. Grothaus et al. ("*Grothaus*"). Applicant respectfully traverses and submits the cited art does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicant respectfully submits that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

Applicant amended the independent claims to include the limitation that the optical waveguide is arranged such that the ignition light exits transversely into a space defined between said electrodes with respect to the electrical field that is produced by said opposite electrodes. this limitation is disclosed in the originally submitted specification, for example, on page 11, paragraph [0030] and Fig. 2. Thus, no new matter has been introduced.

*Grothaus* teaches that the pseudospark discharge is initiated when ultraviolet light is trained upon each cathode aperture. Thus, *Grothaus* discloses a pseudospark switch in which in one embodiment light is introduced to respective holes 34 in cathodes from the backsides of the cathodes. Thus, the light cannot enter the space between the cathode and anode transversely. In fact Fig. 4, shows that the light 22 only enters the hole 34. See also, *Grothaus*,

col. 4, lines 20-26. The second embodiment of *Grothaus* as shown in Fig. 5, makes it even more clear that *Grothaus* merely teaches to guide a light beam to an aperture in the cathode of the switch. In this second embodiment, light 22 enters hole 34 through the cathode itself.

Hence, none of the embodiments of *Grothaus*, discloses an apparatus in which the optical waveguide is arranged such that the ignition light which emerges from the optical waveguide enters the area which is bounded by the electrodes.

Moreover, the pseudospark switch disclosed by *Grothaus* relates to the field of pulsed power technology and commonly is used in high Current Applications. *See, for example, Grothaus*, col. 1, lines 10 and 61 and col. 2, lines 12-13. Therefore, the *Grothaus* is used as a high power, high current, high repletion rate input for a pulsed power load. *Grothaus*, col. 2, lines 65-68. However, an overvoltage protector according to independent Claims 1, 8, 15 is not disclosed by *Grothaus*. The pseudospark switch of *Grothaus* comprises no spark gap because the anode 24 and cathode 26 are spaced to form a pseudospark gap region. *See, Grothaus*, col. 4, lines 13-15. This is not only a conceptual difference because current in the pseudospark gap region is conducted in a glow discharge mode contrary to the present invention where the ignited spark gap is conducted in an arc mode. *See present application*, page 5, paragraph [0013].

The Examiner stated with respect to independent claim 15 that it would have been obvious to one having ordinary skill in the art at the time of the invention was made to utilize the protection circuit of *Grothaus* in the power system as taught by the AAPA since it possesses the necessary function of electrical isolation between light source control and spark gap. Applicant respectfully disagrees because the pseudospark switch disclosed by *Grothaus* is connected to a DC power supply, namely the capacitor bank 12 (Fig. 1). the fact that a pseudospark switch requires a DC power supply can also be seen in Fig. 2 of *Grothaus* because the waveguide 50 ends inside the hollow cathode 26, which is connected to a cathode voltage. Hence, the pseudospark switch of *Grothaus* cannot be used in the high voltage three-phase electrical power supply as taught by the AAPA.

Therefore, all independent claims are allowable with respect to *Grothaus*. Applicant respectfully submits that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicant respectfully requests

reconsideration and allowance of the dependent Claims. Applicant reserves the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §102 or §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

### CONCLUSION

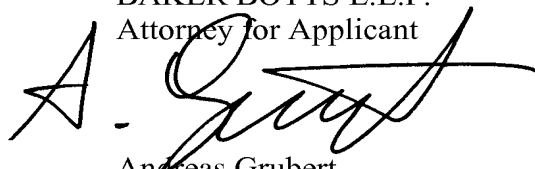
Applicant has made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant encloses a Petition for Extension of Time for one month and authorizes the Commissioner to charge the amount of \$120.00 to Deposit Account No. 50-2148.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,  
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Date: April 3, 2008

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